





DECLARATION & POWER OF ATTORNEY

s a below-named inventor, I hereby declare that:

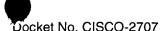
My correct residence, post office address and citizenship are stated below next to my name.

I believe myself to be the original, first and sole inventor (if only one name is listed below) or an original and first joint inventor (if more than one name is listed below) of the subject matter which is disclosed and claimed and for which a patent is sought on the invention entitled:

"ATM Permanent Virtual Circuit and Layer 3 Auto-Configuration for

Digital Subscriber Line Customer Premises Equipment"

| The | specification of this | subject matter: | | | | | | | | |
|---|--|---------------------------------------|---|--|--|--|--|--|--|--|
| | is attached here | is attached hereto. | | | | | | | | |
| x | was filed on Jul | was filed on July 31, 2000; | | | | | | | | |
| x | was assigned s | was assigned serial no. 09/629,318; | | | | | | | | |
| | which was ame | ended on | | | | | | | | |
| application, do not belie my invention invention the sale in the U has not bee application i representati design pate I ac application i I he for patent of | including the claims ve that the claimed in thereof, or patente ereof or more than control of the control of th | to disclose information which is mate | referred to a the United Stion in any of the same we application, e issued before an application ent application erial to the e | above. States of ountry bas not in and that ore the on filed on) or si examinating foreign | I do not know and f America before perfore my in public use or on at the invention date of this by me or my legal ix months (for a sign application(s) application for | | | | | |
| Prior Foreig | n Application(s) | | | | Priority Claimed | | | | | |
| Number | Country | Month/Day/Year Filed | Yes | No | | | | | | |
| Number | Country | Month/Day/Year Filed | Yes | No | | | | | | |
| Number | Country | Month/Day/Year Filed | Yes | No | | | | | | |





I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s)

| Application Number | Filing Date | |
|--------------------|-------------|--|
| Application Number | Filing Date | |

listed below:

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in these prior United States application(s) in the manner provided by 35 U.S.C. §112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

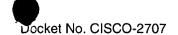
| Application No. | Filing Date | Status (Issued, Pending, Abandoned) |
|-----------------|-------------|-------------------------------------|
| Application No. | Filing Date | Status (Issued, Pending, Abandoned) |
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| Application No. | Filing Date | Status (Issued, Pending, Abandoned) |

I hereby appoint Kenneth D'Alessandro, Registration No. 29,144; David B. Ritchie, Registration No. 31,562; Marc S. Hanish, Registration No. 42,626; John P. Schaub, Registration No. 42,125; Gerhard W. Thielman, Registration No. 43,186; Loren K. Thompson, Registration No. 45,918; Adrienne Yeung, Registration No. 44,000, and Steven J. Robbins, Registration No. 40,299, as attorneys of record with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Please send all correspondence and direct all telephone calls to:

David B. Ritchie D'Alessandro & Ritchie P.O. Box 640640 San Jose, CA 95164-0640 Telephone (408) 441-1100

I, the undersigned, declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.



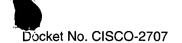
| FULL NAME OF FIRST Name INVENTOR 1 | | | MIDDLE Initial(s | 3) | LAST Name |
|------------------------------------|---------------------|---------|------------------|------------------|------------------------|
| | John | | D. | | Ah Sue |
| RESIDENCE AN CITIZENSHIP | ID City | | State or Foreign | Country | Country of Citizenship |
| | Sunnyvale | | California | | Canada |
| POST OFFICE ADDRESS | Number and Street | 0-2113 | City | State or Country | Zip Code |
| | 1000 Escalon Avenue | #Q=1=18 | Sunnyvale | California | 94085 |

I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1

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37 C.F.R. §1.56 Duty to disclose information material to patentability

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1,97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.